

**BOARD OF ADJUSTMENT MEETING
CITY OF FORT LAUDERDALE
WEDNESDAY, NOVEMBER 14, 2012 – 6:30 P.M.
CITY HALL CITY COMMISSION CHAMBERS – 1ST FLOOR
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA**

Board Members	Attendance	Cumulative Attendance 6/2012 through 5/2013	
		Present	Absent
Diana Waterous Centorino, Chair	P	4	1
Michael Madfis, Vice Chair	P	5	0
Caldwell Cooper	P	4	1
Karl Shallenberger	A	5	0
Henry Sniezek	P	4	1
Fred Stresau	P	3	2
Sharon A. Zamojski	P	3	2
<hr/>			
Alternates			
Roger Bond	P	5	0
Charlie Ladd	P	5	0
Birch Willey	P	5	0

Staff

Bob Dunckel, Assistant City Attorney
Anthony Fajardo, Zoning Administrator
Lynda Crase, Administrative Aide
Mohammed Malik, Director of Zoning
B. Chiappetta, Recording Secretary, Prototype Inc.

Communication to the City Commission

None

Purpose: Section 47-33.1.

The Board of Adjustment shall receive and hear appeals in cases involving the ULDR, to hear applications for temporary nonconforming use permits, special exceptions and variances to the terms of the ULDR, and grant relief where authorized under the ULDR. The Board of Adjustment shall also hear, determine and decide appeals from reviewable interpretations, applications or determinations made by an administrative official in the enforcement of the ULDR, as provided herein.

Index

	<u>Appeal Number</u>	<u>Owner/Applicant</u>	<u>District</u>	<u>Page</u>
1.	12-39	Eparchy of Saint Maron of Brooklyn	2	<u>2</u>
2.	12-40	845 North Atlantic Boulevard LLC	2	<u>4</u>
3.	12-41	Cynthia Weiland	4	<u>5</u>
4.	11-23	Second Avenue Properties	4	<u>6</u>
		Communication to the City Commission For the Good of the City		<u>7</u> <u>7</u>

Call to Order

Chair Centorino called the meeting to order at 6:30 p.m. She introduced Board members and determined a quorum was present.

Approval of Minutes – October 2012

Motion made by Mr. Cooper, seconded by Mr. Willey, to approve the minutes of the Board's October 2012 meeting. In a voice vote, motion passed unanimously.

Board members disclosed communications they had and site visits made regarding items on the agenda.

All individuals wishing to speak on the matters listed on tonight's agenda were sworn in.

1. APPEAL NO. 12-39

Index

APPLICANT: Eparchy of Saint Maron of Brooklyn
AGENT: John Sassine
LEGAL: VICTORIA PARK RE-AMENDED PLAT 15-52 B LOT 3 LESS E
10,4 TO 8 BLK 22
ZONING: RS-8 (Residential Single Family).
STREET: 1800 NE 6 Court
ADDRESS: Fort Lauderdale, FL
DISTRICT: 2

APPEALING: Section 47-5.31 (Table of dimensional requirements for the RS-8 District)

Requesting an after the fact variance to allow a shade structure at a rear set back of ten (10) feet, where the code states a minimum rear setback of fifteen (15) feet is required.

John Sassine, representative of the church, stated they had purchased the church in June 2011 and they had performed major renovations on the property and building. He

explained they had repaired the shade structure because it was unsafe and been told when applying for an after-the-fact permit that it violated the setback. Mr. Sassine stated the church had been here since 1964 and the building itself did not conform to the newer setback requirements. Mr. Sassine had tried to research the shade structure in the City's archives, but documents had been lost, so he had resorted to Broward County aerial photographs. He said a 1998 photo showed a flat roof over the patio on the south side. Mr. Fajardo had indicated that the church still needed a variance, since there had never been a permit. Mr. Sassine had determined that the City had issued a permit for repairs to the flat roof in 2000.

Mr. Sassine said the hardship was that people used the patio after services to be protected from inclement weather and the sun.

Chair Centorino opened the public hearing.

William Beamer said he had lived in the neighborhood a long time. He said the church had invested a lot of money in the property and improved the neighborhood. Mr. Beamer recalled attending meetings at the church in the mid-1990s and seeing the roof over the patio. He added that no one had ever been harmed by the shade structure in its entire existence. He felt that removing the shade structure would reduce the church's use and enjoyment of the property. Mr. Beamer asked the Board to approve the variance application.

There being no other members of the public wishing to address the Board on this item, Chair Centorino closed the public hearing and brought the discussion back to the Board.

Mr. Willey wanted to be sure that the structure met code if the Board granted a variance.

Mr. Dunckel suggesting add the following condition to the variance: when the current shade structure deteriorated to the point of needing replacement, the variance would go away. He stated the Board should state a period of time for the structure to meet code if it currently did not and indicated 180 days would be appropriate.

Mr. Stresau wished to add a prohibition against outside loudspeakers.

Motion made by Mr. Willey, seconded by Mr. Stresau to approve the request with the following conditions: the variance would run for the life of the current shade structure only, when the current shade structure deteriorated to the point of needing replacement, the variance would go away; the structure must meet existing Florida Building Code requirements within 180 days; there would be no outdoor amplification. In a roll call vote, motion passed 7-0.

2. APPEAL NO. 12-40

APPLICANT: 845 North Atlantic Blvd. LLC
AGENT: Crush Law P.A.
LEGAL: Barcelona Beach 29-11 B Lot 3,4 & 1/10 Int in parking & Drives Area
ZONING: SLA
STREET: 843 N Fort Lauderdale Beach Blvd
ADDRESS: Fort Lauderdale, FL
DISTRICT: 2

APPEALING: Section 5-26 (Distance between establishments)

Requesting a variance to allow the sale of alcohol at a distance of 75 feet from another establishment that sells alcohol, where Code requires a minimum of 300 feet separating establishments that sell alcoholic or intoxicating beverages.

Courtney Crush, representative of the applicant, said the property was in the commercial area of Sunrise Lane. This would be a boutique wine and spirits store. Ms. Crush showed photos of the area and described other venues that sold alcohol nearby. She stated the 300-foot requirement made no sense in this area, and pointed out that there were existing restaurants and bars well within 300 feet of each other.

Ms. Crush said they had performed outreach to the neighbors and the Village Merchants associations welcomed the use but one merchant had requested that the business not sell small bottles that could be concealed in a person's pocket. The owner had agreed to sell bottles no small than 750 milliliters. The Central Beach Alliance unanimously supported the request. Ms. Crush described the currently difficulty of purchasing a bottle of wine or liquor in the Central Beach area.

Ms. Crush informed Mr. Cooper that the business would have a 3-APS license for retail wine and liquor sales.

Chair Centorino opened the public hearing. There being no members of the public wishing to address the Board on this item, Chair Centorino closed the public hearing and brought the discussion back to the Board.

Ms. Crush confirmed that the business would only sell sealed bottles.

Monty Lalwani, business owner, said he did not want to sell bottles smaller than 750 milliliters and he wanted to attract patrons who lived in the local hotels.

Motion made by Mr. Madfis, seconded by Mr. Stresau to approve the request, with the condition that the store would sell no bottles smaller than 750 milliliters with the exception of champagne splits. In a roll call vote, motion passed 7-0.

3. APPEAL NO. 12-41

APPLICANT: Cynthia D. Weiland
AGENT: Kenneth Heath
LEGAL: Lot 3 of Palm Grove Acres According to the Plat Thereof
Recorded Plat Book 30, Page 38, of the Public Records of
Broward County, Florida
ZONING: RS-3.52
STREET: 2341 SW 26 Avenue
ADDRESS: Fort Lauderdale, FL
DISTRICT: 4

APPEALING: Section 47-39.A.1.b.(12) (Docks and moorings)

Requesting a variance to extend an existing non-conforming dock a distance of six (6) feet into the waterway, where the Code states no dock shall project more than five (5) feet into any waterway beyond the property line along the waterway or the established bulkhead line.

Mr. Fajardo said in annexed areas of the City, the lack of dock waivers was an inadvertent omission. Mr. Dunckel said he had already drafted an amendment to the code to sure this issue.

Mr. Willey made everyone aware that there was no dock at this property currently; there were only pilings. Mr. Fajardo explained that the pilings were left from a dock repair project. Code Enforcement had investigated and determined there was no permit.

Ken Heath, agent for Cynthia Weiland, said they had been told that their docks were grandfathered in with the annexation. He explained that they would need to remove all of the existing pilings to make a five-foot dock. Mr. Heath stated he had searched for a separate dock permit and had not found one but he had a document showing the dock had been built when the house was built. He said with a smaller canal the six-foot dock might be a problem but this was a 120-foot wide canal.

Mr. Heath informed Chair Centorino that his adjacent dock was five feet wide but it protruded farther than Ms. Weiland's dock because of a jog in the seawall. The dock on the other side of her property was more than eight feet wide.

Chair Centorino opened the public hearing. There being no members of the public wishing to address the Board on this item, Chair Centorino closed the public hearing and brought the discussion back to the Board.

Motion made by Mr. Cooper, seconded by Mr. Willey to approve. In a roll call vote, motion passed 7-0.

4. REQUEST FOR EXTENSION OF FINAL ORDER / CASE NO. 11-23

This matter was presented to the Board on January 11, 2012 concerning the appeal of

APPLICANT: Second Avenue Properties
LEGAL: Lauderdale 2-9D, Lot 1S65, 2S65 less W5 Blk 126, Lot 21 E ½,
Lots 22, 23, 24 all less RD R/W Blk 126
ZONING: B-1 (Boulevard Business) / RM-15 (Residential Multifamily Low
Rise/Medium Density District)
STREET: 311 SW 24th Street
ADDRESS: Fort Lauderdale, FL
DISTRICT: 4

Where the applicant sought and was approved a variance from the following:

APPEALING: Section 47-25.3.A.3.d.iv (Neighborhood compatibility requirements
– wall requirements)

Requesting a variance to eliminate the requirements for a wall on the South edge of the alley, where the Code states that a wall shall be required on the nonresidential property, a minimum of five (5) feet in height.

EXTENSION REQUEST:

Applicant is requesting an extension subject to Section 47-24.12.A.10, of the Unified Land Development Regulations, which states upon a motion for extension of time being filed by an applicant, for good cause shown, the Board may grant an additional extension of time beyond the time initially proscribed in the final order, such additional extension of time not to exceed one hundred eighty (180) days, within which the building permit must be secured.

Jeff Eisensmith, representative of the applicant, requested a 180-day extension for the issuance of the building permit. He stated they had met with the City numerous times and were working through the issues. They were close to obtaining an easement from the Department of Transportation and once this was accomplished they would move forward with the project.

Chair Centorino opened the public hearing. There being no members of the public wishing to address the Board on this item, Chair Centorino closed the public hearing and brought the discussion back to the Board.

Motion made by Mr. Stresau, seconded by Mr. Madfis to approve the 180-day extension. In a roll call vote, motion passed 7-0.

Communication to the City Commission

Index

None.

Report and for the Good of the City

Index

None.

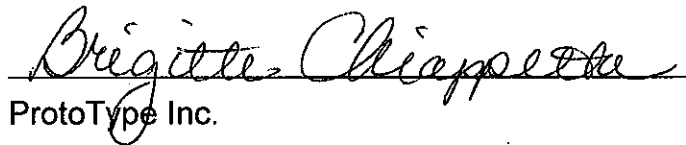
There being no further business to come before the Board, the meeting was adjourned at 7:32 pm.

Chair:



Diana Centorino

Attest:



ProtoType Inc.

Minutes prepared by: J. Opperee, Prototype Inc.